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*Attorneys for KIM-ANH PHAM,
on behalf of herself and all others similarly situated*

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KIM-ANH PHAM, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

LINCOLN BENEFIT LIFE COMPANY, and
DOES 1 TO 50, inclusive,

Defendant.

Case No. 2:23-cv-00561-KJM-AC

Hon. Kimberly J. Mueller

**PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY IN
SUPPORT OF OPPOSITION TO
MOTION TO DISMISS**

Date: August 11, 2023

Time: 10:00 a.m.

Place: Courtroom 3

Complaint Filed: March 23, 2023

1 Plaintiff, Kim-Anh Pham, by and through her attorneys, submits this Notice of Supplemental
2 Authority pursuant to Local Rule 230(m)(2). Plaintiff hereby states the following:

3 In Plaintiff's Opposition to Defendant Lincoln Benefit Life Company's Motion to Dismiss,
4 Plaintiff argued that Lincoln Benefit breached by refusing to pay death benefit proceeds, and that this
5 breach caused Plaintiff's harm. ECF No. 34 at 5:7-6:25. In support, Plaintiff quoted this Court for the
6 proposition that "[q]uestions of causation, i.e., whether the policy would have lapsed even if defendant
7 had complied with the statutes, are not relevant to whether there was a violation of a procedural right."
8 *Id.* at 6:12-15. Since the submission of the Opposition on July 12, 2023 (and since Plaintiff completed
9 her sur-reply briefing on August 16, 2023, ECF No. 49), Plaintiff has identified the following
10 additional persuasive decisions. Plaintiff submits these decisions as further support for an order
11 dismissing Defendant's Motion to Dismiss:

- 12 • *Moriarty v. Am. Gen. Life Ins. Co.*, No. 3:17-CV-1709-JO-WVG, 2023 WL 5211632
13 (S.D. Cal. Aug. 14, 2023) (Exhibit 1).
- 14 • *Grundstrom, v. Wilco Life Ins. Co.*, No. 20-CV-03445-MMC, 2023 WL 5723674, (N.D.
15 Cal. Sept. 5, 2023) (Exhibit 2).
- 16 • *Small, v. Allianz Life Ins. Co.*, No. 20-CV-01944-TJH, (C.D. Cal. Aug. 25, 2023)
17 (Exhibit 3).

18
19 DATED: September 21, 2023

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

21 By: /s/ Christopher Pitoun

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